

FIRST REGULAR SESSION

# SENATE BILL NO. 347

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

1359S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 610, RSMo, by adding thereto five new sections relating to expungement.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 610, RSMo, is amended by adding thereto  
2 five new sections, to be known as sections 610.141, 610.142,  
3 610.143, 610.144, and 610.146, to read as follows:

610.141. 1. As used in this section, section 610.140,  
2 sections 610.142 to 610.144, and section 610.146, unless the  
3 context otherwise indicates, the following terms mean:

4 (1) "Central repository", the Missouri state highway  
5 patrol central repository for compiling and disseminating  
6 complete and accurate criminal history records;

7 (2) "Charges pending", charges for which an individual  
8 has not yet been sentenced;

9 (3) "Close" or "closed", to make records inaccessible  
10 to the general public and to all individuals other than the  
11 defendant, except as provided under section 610.120 and  
12 chapter 43;

13 (4) "Expunge" or "expunged", to close a record in the  
14 manner established under section 610.120;

15 (5) "Expungement without petition", technology-  
16 assisted, state-initiated bulk closing of records in the  
17 manner established under section 610.120;

18           (6) "Traffic violation", a violation of the traffic  
19 regulations provided under chapters 301, 302, 303, 304, and  
20 307.

21           2. (1) Beginning August 28, 2025, all records and  
22 files maintained in any administrative or court proceeding  
23 in a municipal, associate, or circuit court shall be closed  
24 in the manner established under section 610.120 without the  
25 filing of a petition under section 610.140 in the following  
26 cases, subject to the limitations contained in subdivision  
27 (3) of subsection 2 of this section:

28           (a) All offenses not excluded from eligibility for  
29 expungement under subsection 2 of section 610.140 for which  
30 imposition of sentence has been suspended if an individual  
31 has successfully completed probation, so long as one year  
32 has passed since completion of probation, and the individual  
33 has not committed any felony or misdemeanor offense other  
34 than a traffic violation during that time;

35           (b) All infractions not excluded from eligibility for  
36 expungement under subsection 2 of section 610.140 if  
37 eighteen months have passed from the date the sentence was  
38 completed and the individual has not committed any felony or  
39 misdemeanor offense other than a traffic violation during  
40 that time;

41           (c) Misdemeanor offenses not excluded from eligibility  
42 for expungement under subsection 2 of section 610.140 if  
43 three years have passed since the date the sentence was  
44 completed and the individual has not committed any felony or  
45 misdemeanor offense other than a traffic violation during  
46 that time;

47           (d) Felony offenses not excluded from eligibility for  
48 expungement under subsection 2 of section 610.140 if five  
49 years have passed since the date the sentence was completed

50 and the individual has not committed any felony or  
51 misdemeanor offense other than a traffic violation during  
52 that time;

53 (e) All of an individual's offenses not excluded from  
54 eligibility for expungement under subsection 2 of section  
55 610.140 if the individual has attained sixty-five years of  
56 age and has not been convicted of any misdemeanors or  
57 felonies other than a traffic violation in the immediate ten  
58 preceding years; or

59 (f) All offenses for which the governor of Missouri  
60 has granted a full pardon.

61 (2) This section does not include expungement without  
62 petition of any records pertaining to juvenile adjudications  
63 or offenses involving the operation of a motor vehicle.

64 (3) (a) An individual may be granted more than one  
65 expungement under this section, provided that during his or  
66 her lifetime the total number of offenses, violations, or  
67 infractions for which expungement can be granted to the  
68 individual under this section or section 610.140 shall not  
69 exceed the following limits:

70 a. No more than three felony offenses; and

71 b. No more than five misdemeanor offenses or ordinance  
72 violations that have an authorized term of imprisonment.

73 (b) An individual may be granted expungement under  
74 this section for any number of infractions.

75 (c) If an individual's record contains more felonies  
76 or misdemeanors than can be expunged during the individual's  
77 lifetime under paragraph (a) of subdivision (3) of this  
78 subsection, the individual shall not be eligible for  
79 expungement without petition under this section.

80 (d) For purposes of determining lifetime limits on  
81 expungement under this section and section 610.140:

82           a. If the offenses or violations were charged as  
83 counts in the same case, all such offenses and violations  
84 shall count as only the highest level offense or violation  
85 in that case for purposes of determining lifetime limits on  
86 expungement under this section and section 610.140; and

87           b. If the offenses or violations were committed by an  
88 individual who has reached sixty-five years of age and has  
89 not been convicted of any misdemeanors or felonies other  
90 than traffic violations in the immediate ten preceding  
91 years, all such offenses and violations not excluded from  
92 eligibility for expungement by subsection 2 of section  
93 610.140 shall be expunged.

94           3. (1) Beginning August 28, 2025, on a monthly basis,  
95 the office of state courts administrator shall identify and  
96 transmit to the central repository all records of charges  
97 and convictions eligible for expungement under subsection 2  
98 of this section, except records relating to ordinance  
99 violations or nonreportable offenses, as described under  
100 subsection 1 of section 43.506, within thirty days of the  
101 record becoming eligible for expungement without petition.

102           (2) Records that are eligible for expungement on or  
103 before August 28, 2023, shall be identified and expunged by  
104 August 28, 2026.

105           (3) Any case with delinquent court costs, fines, fees,  
106 or other sums ordered by a court except restitution owed to  
107 a victim of a crime shall not be expunged and shall not be  
108 considered by the office of state courts administrator when  
109 determining expungement of a record without a petition under  
110 subsection 2 of this section. The office of state courts  
111 administrator shall seek a setoff of any income tax refund  
112 and lottery prize payouts under section 488.5028 for all  
113 delinquent court costs, fines, fees, or other sums ordered

114 by a court relating to convictions expunged under subsection  
115 2 of this section.

116 (4) If thirty days have passed without an objection  
117 from the central repository for one of the reasons set forth  
118 under this subsection, the office of state courts  
119 administrator shall transmit within fifteen days all the  
120 records to be expunged, sorted by circuit, to the presiding  
121 judges of every circuit court.

122 (5) (a) Within thirty days of receiving a notice to  
123 expunge, the circuit court shall issue orders for  
124 expungement of all records maintained in the circuit for  
125 which no notification of ineligibility was received by the  
126 office of state courts administrator from the central  
127 repository unless the circuit court determines the record is  
128 not eligible for expungement without petition.

129 (b) If the circuit court determines a record is not  
130 eligible for expungement without petition, the court shall  
131 notify the office of state courts administrator in writing  
132 of its determination within thirty days and shall specify  
133 the reasons the court relied upon in making the  
134 determination.

135 (6) On a monthly basis, each circuit court shall issue  
136 orders for expungement of all records of arrest, charge and  
137 conviction for ordinance violations, and nonfingerprintable  
138 offenses in the circuit that the court determines are  
139 eligible for expungement without petition.

140 (7) On a monthly basis, each circuit court shall  
141 transmit copies of all orders for expungement the court  
142 issues under this section to the office of state courts  
143 administrator.

144 (8) Once the transmitted records are expunged, the  
145 office of state courts administrator shall provide notice to

146 all state agencies maintaining official copies of the  
147 records including, but not limited to, the appropriate  
148 circuit court clerk, the prosecuting attorney, the arresting  
149 law enforcement agency or agencies, the department of  
150 corrections, the central repository, and the department of  
151 revenue to expunge the records within thirty days.

152 (9) The office of state courts administrator shall  
153 create a digital access portal of all orders of expungement  
154 issued under this section. The portal shall allow users to  
155 determine if an order for expungement without petition has  
156 been granted in an individual's name. The portal shall  
157 employ measures to prevent disclosure of any order to anyone  
158 other than the individual for whom the order was issued.

159 4. Any court sentencing an individual for an offense  
160 not excluded from eligibility for expungement under  
161 subsection 2 of section 610.140 or any other state or  
162 federal law shall notify the individual at the time of  
163 sentencing of the date when the individual's conviction may  
164 become eligible for expungement, provided the individual is  
165 not convicted of any misdemeanor or felony, not including a  
166 violation of a traffic regulation, during the time period  
167 specified for the underlying offense or offenses.

168 5. Any probation or parole office releasing an  
169 individual from supervision for an offense or offenses not  
170 excluded from eligibility under subsection 2 of section  
171 610.140 shall notify the individual at the time supervision  
172 is discharged of the date when the individual's record or  
173 records may become eligible for expungement, provided the  
174 individual is not convicted of any misdemeanor or felony,  
175 not including a violation of a traffic regulation, during  
176 the time period specified for the underlying offense or  
177 offenses.

178           6. The provisions of this section shall apply  
179 retroactively to any arrest, charge, trial, and conviction  
180 regardless of the date that the arrest was made, the charge  
181 or charges were brought, the trial occurred, or the  
182 conviction was entered.

183           7. Nothing in this section precludes an individual  
184 from filing a petition for expungement of records under  
185 section 610.140 if an individual is eligible for an  
186 expungement without petition under this section but if such  
187 an expungement without petition has not yet occurred or  
188 cannot occur.

          610.142. An offense expunged under section 610.141  
2 shall be reinstated by the court upon motion if the court  
3 finds the conviction was improperly or erroneously expunged  
4 under subsection 2 of section 610.141 because the conviction  
5 was not eligible to be expunged under subsection 2 of  
6 section 610.140 or subsection 2 of section 610.141.

          610.143. Beginning August 28, 2026, the office of  
2 state courts administrator shall report to the judiciary  
3 committees of the senate and house of representatives, or  
4 any successor committees, the following on a yearly basis:

5           (1) The number of records expunged under subsection 2  
6 of section 610.141, by judicial circuit, with data  
7 aggregated by race, sex, age, circuit, county, and offense  
8 type and level;

9           (2) The number of records transmitted from the  
10 Missouri state highway patrol back to the office of state  
11 courts administrator on objection that the record is not  
12 eligible for expungement without petition or that the record  
13 does match data held in the central repository, by judicial  
14 circuit, with data aggregated by race, sex, age, county, and  
15 offense type and level; and

16           (3) The number of records transmitted by each circuit  
17 court back to the office of state courts administrator that  
18 the circuit court determined not eligible for expungement  
19 without petition, with data aggregated by race, sex, age,  
20 circuit, county, and offense type and level.

          610.144. 1. A credit bureau may report records of  
2 arrests, indictments pending trial, and convictions of  
3 crimes for no longer than seven years from the date of  
4 release or parole. Records of arrests, indictments pending  
5 trial, and convictions of crimes shall no longer be reported  
6 if at any time after a conviction it is learned that a full  
7 pardon or expungement has been granted for that conviction,  
8 or at any time after an arrest or indictment it is learned  
9 that a conviction did not result.

10           2. Any credit bureau or user of information that  
11 willfully fails to comply with any requirement of this  
12 section with respect to any consumer is liable to that  
13 consumer in an amount equal to:

14           (1) Any actual damages sustained by the consumer as a  
15 result of the failure;

16           (2) Punitive damages as the court may allow; and

17           (3) In the case of any successful action under this  
18 section, costs of the action and reasonable attorney's fees  
19 as determined by the court.

20           3. Any credit bureau or user of information that is  
21 negligent in failing to comply with any requirement of this  
22 section with respect to any consumer is liable to that  
23 consumer in an amount equal to:

24           (1) Any actual damages sustained by the consumer as a  
25 result of the failure; and



26           (2) In the case of any successful action under this  
27 section, costs of the action and reasonable attorney's fees  
28 as determined by the court.

29           4. Injunctive relief shall be available to any  
30 consumer aggrieved by a violation or a threatened violation  
31 of this section regardless of whether the consumer seeks any  
32 other remedy under this section.

33           5. An employer who employs or otherwise engages an  
34 individual whose criminal history record has been expunged  
35 shall be immune from liability for any claim arising out of  
36 the misconduct of the individual if the misconduct relates  
37 to the portion of the criminal history record that has been  
38 expunged.

          610.146. 1. (1) There is hereby created in the state  
2 treasury the "Missouri Expungement Fund", which shall  
3 consist of moneys deposited into the fund from any source  
4 including, but not limited to, gifts, donations, grants, and  
5 bequests. The state treasurer shall be custodian of the  
6 fund. In accordance with sections 30.170 and 30.180, the  
7 state treasurer may approve disbursements. The fund shall  
8 be a dedicated fund and, upon appropriation, moneys in this  
9 fund shall be used solely as provided in subsection 2 of  
10 this section.

11           (2) Notwithstanding the provisions of section 33.080  
12 to the contrary, any moneys remaining in the fund at the end  
13 of the biennium shall not revert to the credit of the  
14 general revenue fund.

15           (3) The state treasurer shall invest moneys in the  
16 fund in the same manner as other funds are invested. Any  
17 interest and moneys earned on such investments shall be  
18 credited to the fund.

19           2. The department of public safety, the information  
20 technology services division within the office of  
21 administration, and the office of state courts administrator  
22 shall expend moneys from the fund, upon appropriation, only  
23 for one or more of the following purposes:

24           (1) Implementation costs incurred under sections  
25 610.141 to 610.143;

26           (2) System upgrades necessitated under sections  
27 610.141 to 610.143; or

28           (3) Staffing needs necessitated under sections 610.141  
29 to 610.143.

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